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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,678	04/08/2004	V. Raman Sukumar	RS03-232	1379
7590 John C. Andrade, Esquire 116 West Water Street P.O. Box 598 Dover, DE 19903			EXAMINER NAGPAUL, JYOTI	
			ART UNIT 1743	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,678

Applicant(s)

SUKUMAR, V. RAMAN

Examiner

Jyoti Nagpaul

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Amendment filed on April 13, 2007 has been acknowledged. Claims 1-16 are pending.

Response to Amendment

Rejection of Claims 1-16 as being unpatentable over Peters in view of Marek has been maintained in light of applicants amendments and arguments.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Marek.

Peters teaches an apparatus for quick freezing tissue specimens. The apparatus comprises a cryostat within the laboratory for freezing fresh tissue specimens (See abstract), a microscope within the laboratory for reading slides to make microscopic diagnosis (See Col. 1, Lines 33-37), means within the laboratory for handling fresh tissue specimens, inking the tissues within the laboratory for indicating various locations in fresh tissue specimens (See col. 10, Lines 61-68) and a sharp instrument within the laboratory for dissecting the specimens. (See abstract) (See Col. 1, Lines 33-49) (See Col. 3, Lines 4-36) Peters further teaches means within the laboratory for histological staining the fresh tissue specimen is frozen. Peters further teaches accepting the fresh tissue specimens, freezing the fresh tissue specimens, handling the fresh tissue specimens, indicating various locations of fresh tissue specimens and cutting the fresh tissue specimens. (See Col. 3, Lines 4-36) (See Col. 10, Lines 61-67 to Col. 11, Lines 1-67)

Peters fails to teach means for transporting the laboratory is a van and means within the laboratory for communicating the microscope diagnosis to an outside entity. Peter further fails to teach wherein the means for communicating is an intercom system and means to dispose of contaminated materials and freezing the fresh tissues

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specimens within a mobile laboratory, the laboratory is on wheels and capable of being moved from location to location each day. Peter also fails to teach performing all operations within a mobile laboratory having air conditioning and a separate power source for air conditioning within the laboratory.

Marek teaches a mobile ambulatory surgery center. The mobile ambulatory center teaches a van for transporting the laboratory, and means within the laboratory for communicating the diagnosis to an outside entity by an intercom system and means to dispose of contaminated materials. (See Col. 6, Lines 25-64) Marek further teaches performing all operations within a mobile laboratory having air conditioning and a separated power source for air conditioning within the laboratory. (See Col. 5, Lines 1-60)

It would have been obvious to a person of ordinary skill in the art to have provided the device of Peters such that means for transporting the laboratory is a van and means within the laboratory for communicating the microscope diagnosis to an outside entity and the means for communicating is an intercom system and means to dispose of contaminated materials and freezing the fresh tissues specimens within a mobile laboratory, the laboratory is on wheels and capable of being moved from location to location each day in order easily and more effectively reduce diagnosis time and analysis.

Response to Arguments

Applicant's arguments filed on April 13, 2007 have been fully considered but they are not persuasive. Applicants argue that nether Marek or Peters provide a separate

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power source of air condition with the laboratory. Examiner respectfully disagrees Marek teaches a Ventilation and air conditioning system and it is inherent that there is a power source/engine that is turning on the ventilation and air conditioning system disclosed in Marek.

Examiner would also like to remind applicants of the Interview Summary filed on May 29, 2007 with respect to applicant's invention.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jyoti Nagpaul whose telephone number is 571-272-1273. The examiner can normally be reached on Monday thru Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JN

A handwritten signature in black ink, appearing to read "Brian Sims". The signature is fluid and cursive, with a large loop at the end of the last name.